

REMARKS

Reconsideration of the application is respectfully requested.

1. The Examiner objected to Claim 1 for a possible typographical error where 'than' was spelt as 'then'. The Applicant respectfully submits that appropriate correction to Claim 1, as suggested by the Examiner has been made.

2. The Examiner rejected Claims 1-10 under 35 USC 103(a) as being unpatentable over Fan *et al.* Publication No. 2004/0104544 A1, and further in view of De Jager, Patent No. 5,439,627.

The Applicant respectfully traverses. The Applicant submits that Fan *et al.* Publication No. 2004/0104544 A1 qualifies as prior-art only under 35 USC 102 (e). However, in accordance with 35 USC 103(c)(1), the Fan *et al.* application does not preclude patentability of the present claimed invention under 35 USC 103; as the subject matter and the claimed invention, at the time the invention was made, was owned by the same person/entity or subject to an obligation of assignment to the same person/entity. Please see MPEP 2136.01

Applicant submits a copy of Notice of Reoordation of Assignment, dated 07/13/2004, at Reel/Frame 014845/0104, demonstrating assignments of both the present application and the Fan *et al.* application, both leading to FuelCell Energy, Ltd.

Therefore, the Applicant respectfully submits, that Claims 1-10 are not obvious, and thus, allowable.

CONCLUSION

In view of the foregoing remarks and amendments, it is respectfully submitted that this application is in condition for allowance and allowance thereof is respectfully requested.

Respectfully submitted,

Robert Brule *et al.*

By: 

Edward Yoo (Reg. No. 41,435)

CORRESPONDENCE ADDRESS:

CUSTOMER NO. 22828

Attachements;

1. Assignment of



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231



500002441A

JULY 14, 2004

PTAS

EDWARD YOO
1000 ATCO CENTRE, 10035 - 105 STREET
EDMONTON, ALBERTA, T5J 3T2 CANADA

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF
THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS
AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER
REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE
INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA
PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD
FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY
CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723.
PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE,
ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY,
SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 07/13/2004

REEL/FRAME: 014845/0104
NUMBER OF PAGES: 7

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

GLOBAL THERMOELECTRIC INC.

DOC DATE: 07/07/2004

ASSIGNEE:

FUELCELL ENERGY, LTD.
888 - 3RD STREET, S.W.
4300 BANKERS HALL WEST
CALGARY, ALBERTA, CANADA T2P 5C5

SERIAL NUMBER: 10136406

FILING DATE: 05/02/2002

PATENT NUMBER: 6750169

ISSUE DATE: 06/15/2004

TITLE: COMPOSITE ELECTRODES FOR SOLID STATE DEVICES

SERIAL NUMBER: 09682019

FILING DATE: 07/10/2001

PATENT NUMBER: 6749958

ISSUE DATE: 06/15/2004

TITLE: INTEGRATED MODULE FOR SOLID OXIDE FUEL CELL SYSTEMS

1845/0104 PAGE 2

SERIAL NUMBER: 09931415
PATENT NUMBER:
TITLE: HIGH TEMPERATURE GAS SEALS

FILING DATE: 08/17/2001
ISSUE DATE:

SERIAL NUMBER: 09682427
PATENT NUMBER:
TITLE: ANODE OXIDATION PROTECTION IN A HIGH-TEMPERATURE FUEL CELL

FILING DATE: 08/31/2001
ISSUE DATE:

SERIAL NUMBER: 09682411
PATENT NUMBER:
TITLE: ELECTRODE PATTERN FOR SOLID STATE IONIC DEVICES

FILING DATE: 08/30/2001
ISSUE DATE:

SERIAL NUMBER: 09682817
PATENT NUMBER:
TITLE: ELECTROCHEMICAL CELL INTERCONNECT

FILING DATE: 10/22/2001
ISSUE DATE:

SERIAL NUMBER: 10043320
~~PATENT NUMBER:~~
TITLE: REDOX SOLID OXIDE FUEL CELL

FILING DATE: 01/14/2002
~~ISSUE DATE:~~

SERIAL NUMBER: 10063170
PATENT NUMBER:
TITLE: SOFC STACK WITH THERMAL COMPRESSION

FILING DATE: 03/27/2002
ISSUE DATE:

SERIAL NUMBER: 10248905
PATENT NUMBER:
TITLE: FUEL CELL MANIFOLD BASE

FILING DATE: 02/28/2003
ISSUE DATE:

SERIAL NUMBER: 10065476
PATENT NUMBER:
TITLE: FLAT PLATE FUEL CELL STACK

FILING DATE: 10/22/2002
ISSUE DATE:

SERIAL NUMBER: 10065574
PATENT NUMBER: 6643156
TITLE: TRANSFORMERLESS TWO-PHASE INVERTER

FILING DATE: 10/31/2002
ISSUE DATE: 11/04/2003

SERIAL NUMBER: 10604030
PATENT NUMBER:
TITLE: FUEL CELL INSULATING HEAT EXCHANGER

FILING DATE: 06/23/2003
ISSUE DATE:

SERIAL NUMBER: 10604460
PATENT NUMBER:
TITLE: HIGH TEMPERATURE GAS SEALS

FILING DATE: 07/23/2003
ISSUE DATE:

SERIAL NUMBER: 10707229
PATENT NUMBER:
TITLE: SOLID OXIDE FUEL CELL STACK

FILING DATE: 11/28/2003
ISSUE DATE:

SERIAL NUMBER: 10707592
PATENT NUMBER:
TITLE: HIGH TEMPERATURE GAS SEALS

FILING DATE: 12/23/2003
ISSUE DATE:

014845/0104 PAGE 3

SERIAL NUMBER: 10604499
PATENT NUMBER:
TITLE: METAL FOAM INTERCONNECT

FILING DATE: 07/25/2003
ISSUE DATE:

SERIAL NUMBER: 10708186
PATENT NUMBER:
TITLE: SOFC WITH FLOATING CURRENT COLLECTORS

FILING DATE: 02/13/2004
ISSUE DATE:

SERIAL NUMBER: 10249772
PATENT NUMBER:
TITLE: THERMALLY INTEGRATED SOFC SYSTEM

FILING DATE: 05/06/2003
ISSUE DATE:

SERIAL NUMBER: 10249397
PATENT NUMBER:
TITLE: SOLID OXIDE FUEL CELL STACK WITH FLOATING CELLS

FILING DATE: 04/04/2003
ISSUE DATE:

SERIAL NUMBER: ~~10604413~~
PATENT NUMBER:
TITLE: ELECTRICALLY CONDUCTIVE FUEL CELL CONTACT MATERIAL

FILING DATE:
ISSUE DATE:

SERIAL NUMBER: 60521391
PATENT NUMBER:
TITLE: FUEL CELL SHUTDOWN WITH STEAM PURGING

FILING DATE: 04/15/2004
ISSUE DATE:

SERIAL NUMBER: 09684660
PATENT NUMBER: 6420064
TITLE: COMPOSITE ELECTRODES FOR SOLID STATE DEVICES

FILING DATE: 10/10/2000
ISSUE DATE: 07/16/2002

SERIAL NUMBER: 09682610
PATENT NUMBER: 6703154
TITLE: SOLID OXIDE FUEL CELL COMPRESSION BELLOWS

FILING DATE: 09/26/2001
ISSUE DATE: 03/09/2004

SHARON BROOKS, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS